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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,655	02/17/2005	Rainer Hillebrand	5201049	8449
7278	7590	02/02/2007		
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			EXAMINER NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			2109	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/02/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/524,655

Applicant(s)

HILLEBRAND, RAINER

Examiner

Kim T. Nguyen

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Drawings

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).
2. It is necessary to include the drawing for better understanding the subject matter in the invention.
3. Following features are specified in the claims:
A browser-adapting server applications (claim 5); another server application (claim 5); key information (claim 5); information adaptation method (claim 5); first respective key information (claim 7); first information-requesting browser type (claim 7); transmitting the key information (claim 9); second information (claim 10); a database configured to provide the respective key information (claims 12-15).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 2112

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 5-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 5 is non-enabled by the specification, applicant has not disclosed "testing of the browser-adapting server application," the testing of data appears to be at the heart of the disclosure. However no detail and instructions are present.

Claim 7 is non-enabled by the specification; applicant has not disclosed "evaluating of information comprising directly or indirectly obtaining the respective key information," the evaluating of data appears to be at the heart of the disclosure. However no detail and instructions are present.

Claims 12-15 are non-enabled by the specification; the language "database configured" has not explicit and deliberate define in the specification. In addition no database is described, no configuration, and no description of the database to "provide the key information", again it appears to be at the heart of the invention.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 5-15 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 5-15, a "collecting using another server application" is recited. It appears that the collection of information is not claimed as being available for use by a person or machine. However the claimed invention provides steps in the process but it is not a useful, concrete and fail to produce the tangible results. Data does not in itself produce any usable results.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 5-15 are rejected under 35 U.S.C 102(b) as being anticipated by Macgowan (CA 2325654), hereinafter "Macgowan".

As per claim 5, Macgowan teaches "a method for testing a browser-adapting server application," comprising:

"collecting and recording, using another server application, respective key information of a plurality of browser types and/or versions," (page 44 lines 21-25, page 45 lines 1-6);

"testing an information adaptation method of the browser-adapting server application using the key information," (page 45 lines 1-11).

As per claim 6, Macgowan teaches the method of claim 5, further comprising "adapting the browser-adapting server application," (page 42 lines 16-23).

As per claim 7, Macgowan teaches the method of claim 5, further comprising "evaluating first respective key information of a first information-requesting browser type so as to adapt the browser-adapting server application," (page 35 lines 4-24)

As per claim 8, Macgowan teaches the method of claim 7, further comprising "directly or indirectly obtaining the respective key information of the information-requesting browser type," (page 26 lines 4-13).

As per claim 9, Macgowan teaches the method of claim 5, further comprising "transmitting the key information to the browser-adapting server application," (page 28 lines 4-13).

As per claim 10, Macgowan teaches the method of claim 6, further comprising "comparing first information returned by the another server application to second information returned by the another server application before the adapting of the browser-adapting server application," (page 39 lines 4-25, page 47 lines1-7).

As per claim 11, Macgowan teaches the method of claim 7, further comprising "comparing first information returned by the another server application to second information returned by the another server application before the adapting of the browser-adapting server application," (page 39 lines 4-25, page 47 lines1-7).

As per claim 12, Macgowan teaches the method of claim 5, further comprising "providing a database configured to provide the first respective key information for the another server application," (page 47 lines15-21).

As per claim 13, Macgowan teaches the method of claim 9, further comprising "providing a database configured to provide the first respective key information for the another server application," (page 47 lines15-21).


Art Unit: 2112

As per claim 14, Macgowan teaches the method of claim 10, further comprising "providing a database configured to provide the first respective key information for the another server application," (page 47 lines15-21).

As per claim 15, Macgowan teaches the method of claim 11, further comprising "providing a database configured to provide the first respective key information for the another server application," (page 47 lines15-21).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim T. Nguyen whose telephone number is (571)270-1757. The examiner can normally be reached on 7:30AM to 5:00PM East. Alt Friday off.

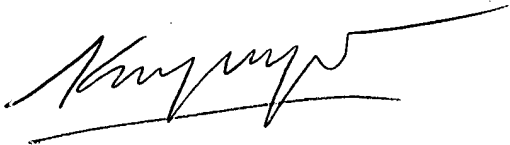
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Reynolds can be reached on (571)272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


DEBORAH J. REYNOLDS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1800 OPT

Art Unit: 2112

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kim T. Nguyen
Examiner
Art Unit 2112

A handwritten signature in black ink, appearing to read 'Kim T. Nguyen', with a long horizontal line extending from the end of the signature.